IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4913 of 2005

Between:

M/s. Sai Fall-G Brick Products, Service Connection No. 291,
Chettupalli Village, Narasipatnam Mandal, Visakhapatnam District.
Rep. by its Managing Partner, K. Samba Murthy Naidu.

..... PETITIONER

AND

1 Transmission Corporation of A.P. Limited, (A.P. Transco) Rep, by its Chairman & Managing Director, Vidyut Soudha, Khairatabad, Hyderabad.
2 The Chief Engineer, Operation, The Eastern Power Distribution Co. of A.P. Ltd., Visakhapatnam.
3 The Superintending Engineer, Assessment, The Easter Power Distribution Company of A.P. Limited, Visakhapatnam-2
4 The Assistant Divisional Engineer, (Electrical) Operation, The Easter Power Distribution, Company of A.P. Limited, Narasipatnam,

Visakhapatnam District.
5 The Assistant Accounts Officer, E.R.O. The Easter Power Distribution Company of A.P.Limited, D Narasipatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order of direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in not transferring the appeal filed by the petitioner against the order of the 3rd respondent in proceedings No. SAT.10074/VSP/ D.ASP/NRSP/P/F.1738/D.NO. 274 dt. 18-4-2002 as highly illegal, arbitrary and contrary to section 49-C)4) of the Indian Electricity (A.P. Amendment) Act, 2000 by further declaring Conditions No. 39.9, 39.10 and 39.11 of the Terms and Conditions of Supply of the A.P. Transco are contrary to Section 49-C(4) and 49-D(4) of the Indian Electricity (A.P. Amendment) Act, 2000 and pass such other order or orders as this Honourable Court may deem fit and proper in the

circumstances of the case.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondents: MR.V.AJAYAKUMAR (Standing Counsel)

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Third respondent passed orders under Condition No. 39 of the terms and conditions of supply, which are no longer in force by virtue of repealing by Indian Electricity (A.P. Amendment) Act, 2000 (for brevity 'the Act'). It is to be noted that subsequent to such repeal, the third respondent passed the order of final assessment. The same was challenged before the appellate authority i.e. the second respondent.

Actually, it is the contention of the learned counsel for the petitioner that a special tribunal constituted under the Indian Electricity (A.P. Amendment) Act, 2000 has been exercising the original jurisdiction. When this fact had been brought to the notice of the appellate authority, i.e. the second respondent and sought for transfer of the mater to the tribunal constituted under the above Act, no action has been taken.

It is his further contention that in similar circumstances, in Writ Petition No. 7582 of 2004, a learned judge of this Court passed orders directing the authorities to transfer the case of the petitioner therein to the Special Tribunal having jurisdiction in terms of Section 49-C of the Act, for adjudication in accordance with law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of at the stage of admission with a direction to second respondent to transfer the case of the petitioner to the Special Tribunal having jurisdiction in terms of Section 49-C of the

Act, for adjudication in accordance with law. No costs.

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kvsn 14-03-2005

To

1 Transmission Corporation of A.P. Limited, (A.P. Transco) Rep, by its Chairman & Managing Director, Vidyut Soudha, Khairatabad, Hyderabad.
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6 Two CDs.